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Follow-up to the Fourth World Conference on Women: implementation of strategic objectives and action in the critical areas of concern

Statement submitted by the World Veterans Federation, a non-governmental organization in general consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 30 and 31 of Economic and Social Council resolution 1996/31 of 26 July 1996.

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The World Veterans Federation wishes to bring to the attention of the Commission its position on "women in armed conflict", one of the critical areas of concern of the Beijing Platform for Action adopted by the Fourth World Conference on Women in 1995 at Beijing. As the Commission on the Status of Women goes into session in its role as the preparatory committee for the five-year review of the Conference outcome in June 2000, we urge that it come to grips with how the international community and that Governments respond to the civilian casualties, mostly women and children, that accompany the continuing proliferation of armed conflicts around the world. Those civilian casualties represent enormous human rights tragedies which demand recognition and redress.

Founded in 1950 by war veterans and war victims to promote peace and human rights as well as the rehabilitation of those groups, WVF has over 27 million members in 77 countries on every continent. WVF has as one of its objectives to maintain international peace and security by application of the Charter of the United Nations and respecting the rights of man and fundamental freedoms set forth in the Universal Declaration of Human Rights.

WVF has been a champion of human rights for all, including women. Recognizing that war and armed conflicts impact differently upon women, in 1984 WVF created a Standing Committee on Women. Since that time, the Committee has been a resource and an important arm of the Federation on behalf of the human rights of women and children who have been disastrously affected by armed conflicts.

To fulfil its mission, the WVF submitted a statement to the Commission in March 1992 which pointed out that equality of treatment of women war veterans and war victims by national Governments and international agencies is a major interest, calling the attention of the Commission to the sizeable groups of women war victims who have suffered discrimination from Governments in the benefits, health care and pensions available to them.

In its statement to the World Conference on Human Rights held at Vienna in 1993, WVF pointed out that women victims of war are among the most vulnerable populations of the world, and that their human rights are even more abridged and denied than those of other women. Reaffirmation of the universality

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of human rights is especially important to women's human rights – women's rights are an integral part of human rights and should not be defined according to a different moral norm or modified for cultural or religious reasons. It is essential to guard against efforts to excuse human rights violations against women by claiming that cultural, religious or traditional practices exempt them from respecting universal human rights norms. The drive for equality and elimination of discrimination against women goes hand in hand with the protection of their human rights.

WVF has supported the Declaration on the Elimination of Violence Against Women and condemned rape occurring in armed conflicts as a weapon of war and terror, suggesting that it be considered a war crime. Again and again, WVF has reaffirmed its commitment to the human rights of women, denouncing discrimination, assault and sexual abuse. It has called attention to the tragic situation of the "comfort women", the hundreds of thousands of women who were captured by the Japanese Army and made sexual slaves, with the support of its Government, as it aggressively rampaged through Asia during World War II. WVF also welcomed the initiative by the United Nations to have the Commission on Human Rights Special Rapporteur on violence against women investigate this unrecognized human disaster as well as other massive human rights violations against women.

At its Sixth International Conference on Legislation, in 1994, WVF amended its guidelines to basic rights for war veterans and victims of war to respond to the needs of the steadily increasing numbers of civilian victims of war, most of whom are women and children. In its preamble, the guidelines, which are an outline of basic principles that should be adopted by Governments, state that the recommendations also take into account the changes in the nature of armed conflicts; the steadily increasing numbers of the resulting civilian victims of war, especially women and children; and the problems that persons serving in the United Nations peacekeeping forces are facing.

Again and again, WVF has passed resolutions affirming its concern about the violation of the human rights of women in armed conflict. One resolution adopted in 1997, entitled "Victims of war and human rights", expressed satisfaction that women in armed conflicts would be one of the four themes of the 1998 meeting of the Commission, and also supported the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which would allow individuals and groups the right to petition, thereby enhancing the protection of the human rights of women.

A new opportunity to protect the human rights of women during wartime has emerged from the successful diplomatic conference in 1998 in Rome which set up the International Criminal Court, which was approved by 120 nations. The World Veterans Federation, which has been calling for such an international juridical body for many years, hailed that bold international initiative, which we had long sought. At its twenty-second General Assembly, at Seoul in 1997, WVF once more called for a permanent international jurisdiction to handle war crimes and other heinous crimes. WVF has requested its member associations to put pressure on their Governments to sign and ratify the Statute of the International Criminal Court.

Expressing regret at the limited geographical competence of ad hoc jurisdictions, WVF urged States to decide to create a permanent and independent international criminal court competent, in particular to try persons alleged to have committed or to have been accomplices in genocide, crimes against humanity, war crimes, or any other serious violation of international humanitarian law.

WVF early on joined the NGO effort to push for ratification of the Rome Statute by joining the NGO Coalition for an International Criminal Court, which represents dozens of organizations around the world. Seen as a historic landmark for humanity, the Rome Statute provides the basis for developing a just world order free from the terrible crimes that marked the twentieth century, and also gives new safeguards for women in war by defining acts of sexual abuse and rape as "crimes against humanity".

Article 7, section (g), of the Rome Statute explicitly states that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparative gravity are crimes against humanity — a giant step in affirming the human rights of women. In 1999, the Commission acting as preparatory committee came to grips with various suggestions for refining or changing the wording of the Rome Statute. There was an attempt by some States to limit the definition of crimes against

humanity, especially article 7 (2), so that violence against women as described would not apply when those crimes are committed within the family or if practised as a matter of religious or cultural norms.

Such proposed revisions would restrict the ability of a prosecutor to prosecute violations of women's human rights should they take place in the context of the family, and possibly in a so-called peaceful environment. Therefore, we urged that any such change should be strongly opposed. It is our contention that the Statute on this point should be left the way it was written in Rome. However, it should be made clear that any other form of sexual violence should include all sex crimes. Otherwise, the Statute would be setting up a higher standard for those crimes. The rules should also recognize harassment and discrimination as misconduct and give the Prosecutor latitude to deal with them.

It is regrettable that article 8 of the Statute on war crimes does not specify any specific definitions for rape, sexual slavery etc. Such a definition was included in the Statute for the International Criminal Tribunal in Rwanda. Inclusion of crimes of sexual violence under war crimes would be desirable to extend the protection of women. We would urge such an element be included as further work is done on the Statute by future preparatory bodies.

The opportunity to help fashion the details and dimensions of the Statute setting up the long-needed International Criminal Court must not be lost. Creation of that juridical body represents an unparalleled chance not only to provide redress for women victims of sexual violence during war but also to deter future crimes of this nature. As an organization dedicated to furthering the human rights of all people, WVF urges the Commission, at its forty-fourth session, to give full attention to the critical area of women in armed conflict, and to use its influence to support the above suggestions regarding the Rome Statute for the International Criminal Court.